

The Secretary  
Social Policy Scrutiny Committee  
GPO Box 3721  
Darwin NT 0801

Via email: SPSC@nt.gov.au

7 March 2018

Dear Secretary of the SPCA,

RE: CDU AEC comments regarding the Animal Protection Bill 2018

The Charles Darwin University (CDU) Animal Ethics Committee (AEC) appreciates the invitation and opportunity to provide comment on The Animal Protection Bill 2018. The unique make-up of the committee, including Veterinarians, experienced Researchers, members with demonstrable commitment and experience in animal welfare, as well as members of the wider community, puts the committee in good stead to appreciate all aspects of the Animal Protection Bill 2018 and provide comment.

The CDU AEC feels there is great value in the implementation of the new Animal Protection Bill 2018, to provide a more thorough and robust animal welfare legislation to that of the Animal Welfare Act.

On review of the Bill, the CDU AEC has the following comments:

- Section 39 (b) *The CEO may publish guidelines (CEO guidelines) on the Agency's website that specify matters that are: relevant to an application for the accreditation of an animal welfare committee under this Part.*  
The CDU AEC refers to the wording 'animal welfare committee', and feels this should state 'animal ethics committee'
- Section 61(1)(a) *An accredited animal ethics committee must not grant a project approval unless satisfied that: each person involved in undertaking the project is a fit and proper person.*  
The CDU AEC suggests further clarification on who constitutes 'each person involved in undertaking the project'. Currently assistants and volunteers can participate in research without proving they are a fit and proper person, as they are under direct supervision of a permitted fit and proper person. If assistants and volunteers are included under this definition, it may exclude a significant proportion of volunteers from participating due to the administration required to be submitted and processed prior to them participating.
- Section 115 Automatic ban for multiple offences. Subsection 1 states *This section applies to a*

*person who is found guilty of 3 or more offences against Part 3 within a period of 5 years or less.*

The CDU AEC feels this is too lenient for multiple offences, and that 3 or more offences, regardless of the time they occurred, should constitute an automatic ban.

- There is some concern that Division 4 may not afford for the rehoming of a seized animal to an available suitable home. Often seized animals have been dealt with through a veterinary clinic, or have been in a long-term foster home. Due to the long-term care of such animals, there may be persons involved with the veterinary clinic or foster home that are familiar and known to the animal, and are both willing and suitable to take ownership. We would like to ensure the legislation does not omit the aforementioned persons as a potential method of disposal (rehoming) of the animal. The CDU AEC would like to ensure seized animals are not euthanased, nor put into long term shelter care, when there is a suitable rehoming opportunity available.
  
- Section 24 (7) (c) *A person commits an offence if the person intentionally: removes the claws of an animal, other than the dew claws of a dog less than 5 days old.*  
The CDU AEC agrees with the RSPCA Policy A11- Surgical modification of companion animals, and does not support the removal of claws of animals unless necessary for the welfare of the animal concerned and is undertaken by a registered veterinarian under appropriate anaesthesia.
  
- The CDU AEC has concerns that the definition prescribed for Scientific Purposes at section 7, in conjunction with the requirement for registration at section 40, could be interpreted to include the general population performing research-like activities. It is suggested that there could be a clearer definition to ensure a separation between professional research and community engagement with animals. Examples include:
  - A) John and Joanie Brown from Year 6 of Anytown Primary school conduct a school project to photograph the birds that visit their garden.
  - B) Australian Backyard Bird Survey requests citizens to photograph the birds in their garden to conduct a census of urban wildlife.Examples A and B could be interpreted to fall into the definition of Scientific Purposes.

Thank you for accepting our comments.

Yours sincerely



Professor Keith Christian  
**Chair**  
**CDU Animal Ethics Committee**